

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



NOVEMBER 30, 2001

ALL COUNTY INFORMATION NOTICE NO: I-105-01

TO: ALL-COUNTY WELFARE DIRECTORS
ADULT PROTECTIVE SERVICES
PROGRAM MANAGERS
ALL-COUNTY COUNSELS
ALL-COUNTY PUBLIC GUARDIAN OFFICES

**REASON FOR THIS
TRANSMITTAL**

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: 2001 CHAPTERED LEGISLATION IMPACTING THE ADULT
PROTECTIVE SERVICES PROGRAM

This All-County Information Notice provides a summary of statutes enacted during the 2001 legislative session that impacts the Adult Protective Services (APS) Program. The attached legislative summaries of Assembly Bills (AB) and Senate Bills (SB) are for general informational purposes only.

Separate All-County Letters or All-County Information Notices have been or will be issued for some statutes to provide more detailed descriptions of specific programmatic issues and implementation procedures, if necessary. Unless otherwise noted, these statutes will become effective on January 1, 2002.

If you have any questions regarding this notice, you may contact the Adult Protective Services Bureau, at (916) 229-0323.

Sincerely,

***Original Document Signed By
Donna L. Mandelstam on 11/30/01***

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division

Attachment

AB 530 (Reyes) Chapter 845, Statutes of 2001

Crime prevention. Existing law authorizes specified counties to develop Rural Crime Prevention Programs to address the problems of agricultural and rural crime. Under existing law, this authorization will expire on January 1, 2002. This bill provides a six-month extension of that law until July 1, 2002.

AB 530 also allows In Home Supportive Services clients and personal care services recipients under the Medi-Cal program to submit fingerprints of persons providing those services to the Department of Justice (DOJ) for criminal background checks. A care provider whose fingerprints are submitted must be unlicensed and the services provided must occur in the home of the elder or disabled adult. DOJ must notify In Home Supportive Services clients and personal care recipients who submit fingerprints of a provider if the provider has been incarcerated for, or convicted of, specified crimes within the last ten years. DOJ is also required to provide a subsequent arrest notification to a qualified recipient if the subject of a criminal background check is arrested for specified offenses that occurs after the initial criminal background check.

AB 830 (Cohn) Chapter 682, Statutes of 2001

Senior legal services. Existing law provides for the Mello-Granlund Older Californians Act, administered by the California Department of Aging, to provide specified services to frail elderly individuals 60 years of age and older. This bill requires the Department of Aging to establish a task force of specified members to study and make recommendations to the Legislature on or before September 1, 2002 on issues relating to legal services to seniors.

AB 1690 (Aroner) Chapter 196, Statutes of 2001

Elder and dependent abuse reporting: Training. Existing law requires mandated reporters to report instances of abuse of elder or dependent adults. Existing law also specifies that long-term health care facilities or community care facilities that provide care to adults shall provide training to their staff in recognizing and reporting elder and dependent adult abuse. This bill makes residential care facilities for the elderly subject to the requirement to provide training to staff in recognizing and reporting elder and dependent adult abuse, and requires compliance by July 1, 2002.

SB 140 (Bowen) Chapter 359, Statutes of 2001

Guardians and conservators. Existing law requires that every person appointed as a guardian or conservator shall give a bond of a specified amount that is approved by a court before letters of guardianship and conservatorship are issued, except as specified. Existing law also provides that the guardian or conservator may be required

to furnish an additional bond upon the sale of real property or the borrowing of money secured by the real property of the estate. This bill provides that when the guardian or conservator has knowledge of facts from which he or she knows or should know that the bond posted is less than the required amount, he or she must apply for an order increasing the bond to the required amount. The bill creates an exception to the provision requiring the guardian or conservator to furnish an additional bond upon the sale of real property or the borrowing of money secured by the real property of the estate if the court makes a specified finding. The bill also requires that if a bond or an additional bond is required, the bond be posted before a court order confirming the sale or borrowing of money is effective and may be filed. The bill also provides that if an additional bond is required by the court when the account is heard, the order approving the account and related matters will not be effective and the court will be prohibited from filing the order until the additional bond is filed. Existing law requires a conservator or guardian to present an account of the estate of the conservatee or ward to a court for settlement and allowance within a specified time period, as specified. This bill provides that, when a conservator or guardian does not file an account and set the account for hearing within a specified time period, a court is required to do one or more of the following: (1) punish or remove the conservator or guardian, as specified; (2) order that money or personal property in the estate be deposited into an account to be subject to withdrawal only upon authorization of the court; (3) suspend the powers of the conservator or guardian and appoint a temporary conservator or guardian; (4) appoint legal counsel to represent the ward or conservatee, who shall be ordered to perform one or more specified activities; (5) grant an extension of time not to exceed 60 days, as specified, in which to file the account.

SB 333 (Escutia) Chapter 301, Statutes of 2001

Elder death review teams. This bill authorizes any county to establish an interagency elder death team to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communications among persons who perform autopsies and persons involved in the investigation or reporting of elder abuse or neglect. This bill specifies that the county elder death review teams may be comprised of certain state and local agency staff and private entities. The bill establishes procedures for the sharing or disclosure of confidential information by elder death review teams.

SB 502 (Ortiz) Chapter 579, Statutes of 2001

Elder abuse. Existing law requires specified persons to report physical injury as a result of assaultive or abusive behavior, including elder or dependent adult abuse and domestic violence, to local law enforcement. Existing law also authorizes the County of San Mateo to establish a pilot project, as specified, to create, after consultation with the Department of Justice, a standardized form for reporting violence and abuse of elder and dependent adults. This bill requires the Office of Criminal Justice Planning to cooperate with various agencies to establish medical forensic forms fulfilling specified

criteria, instructions, and examination protocol for victims of domestic violence and elder and dependent adult abuse and neglect, as specified. This bill also requires the

Office of Criminal Justice Planning to determine whether it would be appropriate and forensically sound to develop separate or joint forms for medical forensic findings relating to these types of abuse.